

REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 1-11 and 23-25 drawn to a product, an animal feed additive; and

Group II, Claims 12-22 drawn to a method of making a feed supplement which is a cysteine compound.

Applicant elects, with traverse Group I, Claims 1-11 and 23-25 drawn to a product, an animal feed additive.

The Examiner has indicated that invention Groups I and II are related as process of making and product made and in the instant case the process as claimed can be used to prepare any amino acid feed supplement such as lysine. Also the product can be made by a different process such as disclosed in the prior art of the specification on page 1 and then mixing this product into the feed before concentrating and granulating it.

Applicant respectfully traverses the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicant points out that the product and process claims should be examined together because the process of producing a feed additive comprises separating the biomass completely from the fermentation liquor containing cysteine compounds and this process results in an animal feed additive based on a fermentation liquor comprising one or more of the cysteine compound. Therefore it has not been shown that Applicant's animal additive product can be made by the prior art processes disclosed in Applicant's specification. It is further not clear that Applicant's process could be used to make other amino acid feed supplements such as lysine. This has not been shown by the citation of any reference and therefore is only conjecture on the Examiner's part.

Moreover the M.P.E.P. § 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes the claims to distinct or independent inventions.

Applicant submits that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicant submits that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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